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Reply to: Columbia, SC

January 29, 2025

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RE: *United States v. Dylann Roof*, Case No. 2:15-472-RMG, Agreement Regarding
Timing of Initial 28 U.S.C. § 2255 Motion

Dear Counsel,

As you are aware, under 28 U.S.C. § 2255(f)(1), the defendant was required to file his motion to vacate, set aside, or correct his sentence on or before October 10, 2023 – one year following the date on which his judgment of conviction became final. By agreements reached on June 20, 2023; December 21, 2023; and July 31, 2024, the Government agreed to affirmatively waive any statute of limitations defense and consent to the filing of any § 2255 motion filed by April 18, 2025.

On Friday, January 24, 2025, the U.S. Attorney's Office memorialized an agreement to further waive any statute of limitations defense until July 21, 2025. However, on Monday, January 27, 2025, that agreement was rescinded in accordance with Executive Order 14164, "Restoring the Death Penalty and Protecting Public Safety." I immediately notified you that the U.S. Attorney's Office does not have authority to extend the filing deadline beyond April 18, 2025. The agreement memorialized in the letter you filed the next day, ECF No. 1039, has been revoked.

The Government maintains its right to dispute the timeliness of any § 2255 motion or supplement filed after April 18, 2025, and to dispute entitlement to equitable tolling.

Sincerely,

BENJAMIN N. GARNER

Attorney for the United States

Acting under Authority Conferred by 28 U.S.C. § 515

/s Kathleen M. Stoughton

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